Matthews, 4 T. R. 503; *British South Africa Co.* v. *Companhai de Mozambique* [1893] A. C. 602. Yet some courts have repudiated the generally accepted rule on the ground that it often works an injustice: *Little* v. *Chicago St. P. M. & O. R. Co.,* 65 Minn. 48, 67 N. W. 846, 33 L. R. A. 423, 60 Am. St. Rep. 421; *Peyton* v. *Desmond,* 63 C. C. A. 651, 129 Fed. 1; *Holmes* v. *Barclay,* 4 La. Ann. 63. The minority opinion in the principal case attempts to distinguish between actions involving the title of real property and injury thereto, and those actions the gravamen of which is negligence. This view it not unsupported by authority: *Barney* v. *Burstenbinder,* 7 Lans. 210; *Home Ins. Co.* v. *Pennsylvania R. Co.,* 11 Hun 182; *Ducktown Sulphur, Copper and Iron Co.* v. *Barnes et al.,* 60 S. W. 593 (Tenn.); *Campbell* v. *McGregor,* 29 N. B. 644. But some courts have denied the existence of such a distinction. *Hill* v. *Nelson,* 70 N. J. L. 376, 57 At. 411; *Karr* v. *New York Jewell Filtration Co.,* 78 N. J. L. 198, 73 At. 132; *Las Animas & San Joaquin Land Co.* v. *Fitjo,* 9 Cal. App. 318, 99 Pac. 393; *Perry* v. *Seaboard Air Line R. Co.,* 153 N. C. 117, 68 S. E. 1060; *Brereton* v. *Canadian Pac. R. Co.,* 29 Ont. Rep. 57. However, when the act causing the injury is committed in one jurisdiction and the property injured is situated in another, an action for damages may be prosecuted in either jurisdiction. *Foote* v. *Edwards,* 3 Blatchf. 310, Fed. Cas. No. 4, 908; *Stillman* v. *White Rock Mfg. Co.,* 3 Wood and M. 538, Fed. Cas. No. 13, 446; *Mannville* v. *Worcester,* 138 Mass. 89; *Rundle* v. *Delaware and R. Canal,* 1 Wall Jr. 275, Fed. Cas. No. 12, 139.

DAMAGES—PERSONAL INJURIES CONTRIBUTING TO DISEASE.—Plaintiff, employed by defendant railroad company as a section hand, was injured through defendant's negligence, his injury consisting of a broken rib. He was under a physician's care, going to see him every two or three days for for about six weeks, at the end of which time he was taken to a hospital, having contracted pneumonia. *Held,* that plaintiff had a right to show at the trial, as an element of damages, his confinement to the hospital with pneumonia, caused wholly or in part by the injury, and that the defendant is liable if it be shown that plaintiff's injury superinduced, or contributed to, the production of pneumonia. *Luisi* v. *Chicago Great Western Ry. Co.* (Iowa 1912) 136 N. W. 322.

This seems to be the first case in which the Supreme Court of Iowa passed on the question whether or not a defendant is liable where a traumatic disease is caused by injuries resulting from his negligence. The decision of the court that the defendant is liable is supported in *Ohio, Etc Ry. Co.* v. *Hecht,* 115 Ind. 443, 17 N. E. 297; *Smalley* v. *City of Appleton,* 75 Wis. 18, 43 N. W. 826; *Blaskand* v. *Phila. Rapid Transit Co.,* 42 Super. etc. Rep. Pa. 325; *Beauchamp* v. *Saginaw Mining Co.,* 50 Mich. 163; *Baltimore, etc. Ry. Co.* v. *Kemp,* 61 Md. 619; *Bishop* v. *St. Paul Ry. Co.,* 48 Minn. 26; THOMPSON, NEGLIGENCE, § 154. The Pennsylvania Court, in *Blaskand* v. *Phila. Rapid Transit Co., supra,* points out the great danger of fraud in this class of cases: to prove that a disease was caused by the negligent injury necessarily requires opinion evidence, which is often untrustworthy, illusory, and speculative, and in many actions to recover damages for physical injuries

such evidence amounts to actual fraud. On the right to recover damages by one suffering from a disease or predisposition to disease, for aggravation of such condition caused by another's negligence, see *Blomquist* v. *Minneapolis Furniture Co.*, 112 Minn. 143, 9 MICH. L. REV. 521; *Bray* v. *Latham*, 81 Ga. 640, 8 S. E. 64; *Louisville N. A. & C. Ry. Co.* v. *Snyder*, 117 Ind. 435, 20 N. E. 284, 10 Am. St. Rep. 60, with note; *Larson* v. *Boston Elevated Ry. Co.* (Mass. 1912) 98 N. E. 1048. In the above cases the courts permitted recovery on the ground that a tort to health already impaired cannot be redressed except by giving damages for any further impairment, or for any interference with recovery, caused by the tort.

DEEDS—ASSIGNMENT OF RIGHT OF ENTRY BETWEEN HEIRS.—Land was conveyed with condition subsequent annexed and with right of entry reserved. The grantor died before breach of the condition. Plaintiff and three others are her present heirs. The three assigned their interests, after breach, to plaintiff, who sued for possession. *Held*, that the right of entry was assignable between the heirs, and plaintiff should recover the whole. *Southwick* v. *N. Y. Missionary Society* (N. Y. 1912) 135 N. Y. Supp. 392.

It was an accepted rule at the common law that a right of entry for breach of condition is not reservable in favor of a stranger, nor assignable, and can be taken advantage of only by the grantor and his heirs. LITT. 347; COKE, LITT. 214a; 2 WASHBURN, REAL PROPERTY, 15; TIEDEMAN, REAL PROPERTY, § 277. In a majority of the United States the rule of the common law is still adhered to. *Skipwith* v. *Martin*, 50 Ark. 141, 6 S. W. 514; *McMahon* v. *Williams*, 79 Ala. 288; *Bd. of Education* v. *Baptist Church*, 63 Ill. 204; *Higbee* v. *Rodeman*, 129 Ind. 244; *Hayward* v. *Kinney*, 84 Mich. 591; *Winn* v. *Cole*, Walk. (Miss.) 119; *State* v. *L. S. Ry.*, 1 Oh. N. P. 292; *Hooper* v. *Cummings*, 45 Me. 359; *Guild* v. *Richards*, 16 Gray 309. Some States draw a distinction between an assignment before and after a breach. *D. & S. F. Ry.* v. *School District*, 14 Col. 327, 23 Pac. 978; *Bouvier* v. *B. & N. Y. Ry. Co.*, 67 N. J. L. 281. Some States, by statute, allow an assignment of a right of entry. CAL., CIV. CODE, § 1046; N. J., ACT OF MARCH 14, 1851; *Southard* v. *C. Ry. Co.*, 26 N. J. L. 13; CONN. GEN. STAT., p. 471, § 1 of pgph. 15; *Hoyt* v. *Ketcham*, 54 Conn. 60. New York's statute, which permits the assignment or devise of future estates, has been held not to apply to the assignment of a right of entry reserved on the grant of a fee. *Nicol* v. *N. Y & E. Co.*, 12 N. Y. 121; *Van Rensalaer* v. *Ball*, 19 N. Y. 100; *Brenbroick* v. *St. Luke's Hospital*, 155 N. Y. 655, 23 App. Div. 339. Other States hold such a right of entry reservable and assignable without statute. *Pickle* v. *McKissick*, 16 Pa. St. 140; *Hamilton* v. *Kneeland*, 1 Nev. 40. Especially an assignment after condition broken. *Bouvier* v. *B. & N. Y. Ry. Co.*, 67 N. J. L. 281. The decision in the principal case is given without citation of authority, as an exception to the general rule, and no other case seems to touch upon this particular kind of assignment. For extended list of cases on the subject in general see *Bouvier* v. *B. & N. Y. Ry Co.*, *supra*, 60 L. R. A. 754, note. See also note in 69 CENTRAL L. JOUR. 237.